

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

**MORNINGSIDE TRUST
SUCCESSOR TO APRIL M. HYATT**

Plaintiff,

VS.

BANK OF AMERICA, N.A.

Defendant.

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CASE NO. 4:12CV332

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 19, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that this case be dismissed without prejudice for want of prosecution.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, this case shall be dismissed without prejudice for want of prosecution.

IT IS SO ORDERED.

SIGNED this the 13th day of September, 2013.



RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE